



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

518-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

DEC OF TEXAS INC
601 TEXAN TRAIL SUITE 201
CORPUS CHRISTI TX 78411

Respondent Name

PHOENIX INSURANCE CO

Carrier's Austin Representative Box

Box Number 05

MFDR Tracking Number

M4-12-2465-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "This was a DDE for MMI, IR & RTW. Auditing denying full payment of RTW. Sent in reconsideration to no avail. Requesting your assistance in getting the balance of \$175.00 plus interest paid."

Amount in Dispute: \$175.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: The respondent did not submit a response to this dispute for consideration.

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
January 12, 2012	99456-W8-RE	\$175.00	\$175.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
2. 28 Texas Administrative Code §134.204 sets out the fee guidelines for the reimbursement of workers' compensation specific codes, services and programs provided on or after March 1, 2008.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits dated February 6, 2012

- 59 – (59) PROCESSED BASED ON MULTIPLE OR CONCURRENT PROCEDURE RULES.
- W1 – (W1) WORKERS COMPENSATION STATE FEE SCHEDULE ADJUSTMENT.

Explanation of benefits dated March 16, 2012

- 59 – (59) PROCESSED BASED ON MULTIPLE OR CONCURRENT PROCEDURE RULES.
- W1 – (W1) WORKERS COMPENSATION STATE FEE SCHEDULE ADJUSTMENT.
- BL –THIS BILL IS A RECONSIDERATION OF A PREVIOUSLY REVIEWED BILL. ALLOWANCE AMOUNTS DO NOT REFLECT PREVIOUS PAYMENTS.

Issues

1. Has the Designated Doctor (DD) examination and Return to Work examination been reimbursed appropriately per 28 Texas Administrative Code §134.204?
2. Is the requestor entitled to additional reimbursement for the disputed services under 28 Texas Administrative Code §134.204?

Findings

1. The requestor billed the amount of \$500.00 for CPT code 99456-WP-W5 with 2 (two) units in Box 24G of the CMS-1500 for a Division ordered Designated Doctor examination to determine Maximum Medical Improvement/Impairment Rating (MMI/IR) and Return to Work examination according to the EES14 and DWC032. The requestor also billed the amount of \$500.00 for CPT code 99456-W8-RE with 1 (one) unit in Box 24G of the CMS-1500 for a Return to Work (RTW) examination. CPT code 99456-WP-W5 is not in dispute.

Per 28 Texas Administrative Code §134.204(i)(2)(A) and (k), the Maximum Allowable Reimbursement (MAR) for the 1st Return to Work (RTW) and/or Evaluation of Medical Care (EMC) examination is \$500.00.

2. The respondent has previously reimbursed \$325.00 on CPT code 99456-W8-RE, therefore the requestor is entitled to additional reimbursement of \$175.00.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$175.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$175.00 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	_____
Signature	Medical Fee Dispute Resolution Officer	May 18, 2012 Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the Medical Fee Dispute Resolution Findings and Decision** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party**.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.